

PATENT
ATTORNEY DOCKET: 47004.000040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/325,536 Confirmation No.: 2934
Applicant : Kevin BOYLE, et al.
Filed : June 4, 1999
Title : CREDIT INSTRUMENT AND SYSTEM WITH AUTOMATED
PAYMENT OF CLUB, MERCHANT, AND SERVICE
PROVIDER FEES
TC/Art Unit : 3625
Examiner: F. THOMPSON

Docket No. : 47004.000040
Customer No. : 21967

SUBSTANCE OF INTERVIEW UNDER 37 C.F.R. §1.133

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 C.F.R. § 1.133(b), Applicant wishes to make of record the substance of the interview between Applicant's undersigned representative and Examiners J. Smith and F. Thompson conducted on May 19, 2004.

At the time of the interview, a Notice of Appeal had been filed in the case. During the interview, Applicant discussed the possibility of filing a Request for Continued Examination (RCE) rather than pursuing the appeal. At the interview, it was agreed that filing an RCE with some amendment to the claims and argument distinguishing the applied references was appropriate.

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All claims which were ultimately found allowable were discussed, with a focus on the Independent claims. The proposed amendment that was discussed is reflected in the May 24th RCE filed after the interview.

That prior art that was discussed includes all of the prior art that was applied in the prior action. During the interview, Applicant discussed this prior art and drew the distinctions over this prior art as set forth in Applicant's May 24th RCE.

In general, Applicant explained in the interview that the applied art, alone, and in combination, failed to teach the claimed invention. Applicant also explained that certain rejections were improper because the rejections were based on combinations of disparate systems for which motivation would have been lacking in the first instance.

The outcome of the interview was that all concerned agreed that the applied art did not render the invention unpatentable, and that allowance would be considered.

It is believed that no fees are due in connection with this filing. However, in the event that any fees are necessary, the Commissioner is hereby authorized to charge our Deposit Account No. 50-0206.

Respectfully submitted,

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Dated: December 21, 2004
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